

REMARKS

Upon entry of the present amendment, claims 1-5, 7-10, 12-16 and 18-20 will have been amended. Claims 6, 11 and 17 will have been canceled and the recitations of claim 17 incorporated into claim 1. In view of the herein contained amendments and remarks, Applicants respectfully request reconsideration and withdrawal of each of the outstanding objections and rejections set forth in the above-mentioned Official Action of September 2, 2004. Such action is respectfully requested and is now believed to be appropriate and proper.

Initially, Applicants wish to respectfully thank the Examiner for acknowledging their Claim for Foreign Priority under 35 U.S.C. § 119 as well as for confirming receipt of the certified copy of the priority document.

Additionally, Applicants thank the Examiner for confirming consideration of the various documents cited in the Information Disclosure Statements filed in the present application on June 24, 2004 and on March 4, 2004.

In the outstanding Official Action, the Examiner objected to claims 4 and 9 because the term "the outside temperature" lacked an antecedent basis. By the present Response, Applicants have provided a proper antecedent basis for this phrase.

The Examiner further objected to claims 14 and 17, asserting that the term "the operation temperature" lacks proper antecedent basis. Applicants respectfully traverse and submit that the Examiner's assertion is incorrect. In particular, claims 14 and 17 each previously depended from claim 11 which recited an operation temperature. By the present Response, the features of claim 17 have been incorporated into claim 1. Claim 1, as amended, clearly provides adequate antecedent basis for the paragraph of

"recalculating the total heating load and the total cooling load". Thus, proper antecedent basis for all terms is provided therein.

Finally, the Examiner objected to claim 14 and asserted that the second and third limitations claim identical subject matter. Applicants respectfully submit that the Examiner is incorrect. In this regard, Applicants note that the second and third limitations of claim 14 are significantly different than each other. In particular, the second paragraph relates to carrying out "cooling" while the third paragraph refers to the carrying out of "heating". The remainder of the second and third paragraphs also relate to the cooling and heating loads, respectively. Thus, it is respectfully submitted that the Examiner's objection to claim 14 is inappropriate.

In view of the herein contained amendments and remarks, Applicants respectfully request reconsideration and withdrawal of each of the outstanding objections to claims 4, 9, 14 and 17 of the present application.

Claims 1-20 were rejected under 35 U.S.C. § 101 because "the claimed subject matter is directed to non-statutory subject matter". Applicants respectfully traverse and submit that the Examiner is incorrect. In particular, claim 1, as amended, now recites, inter alia, "operating the indoor units according to an operation pattern of the outdoor unit determined by comparing the total cooling load and the total heating load". It is respectfully submitted that the present invention clearly falls within the useful or technological arts, and that the subject matter thereof is clearly statutory. Accordingly, reconsideration and withdrawal of the outstanding rejection is respectfully requested.

In the outstanding Official Action, the Examiner rejected claims 1, 3, 6, 8 and 11 under 35 U.S.C. § 102(b) as being anticipated by OHKOSHI et al. (U.S. Patent No.

5,050,396). Claims 2, 7 and 13 were rejected under 35 U.S.C. § 103 as unpatentable over OHKOSHI et al. in view of NAKAYAMA et al. (U.S. Patent No. 5,107,684). Claims 4, 5, 9, 10, 12 and 14-16 were rejected under 35 U.S.C. § 103 as unpatentable over OHKOSHI et al. in view of obviousness.

Applicants respectfully traverse each of the above rejections and submit that they are inappropriate with respect to the combination of features recited in Applicants claims.

Applicants invention is directed to a method for controlling an air conditioner including an outdoor unit, a distributor and a plurality of indoor units. The method according to the present invention includes calculating a total heating load of the indoor units that perform heating and a total cooling load of the indoor units that perform cooling. The present invention also includes operating the indoor units according to an operation pattern of the outdoor unit determined by comparing the total cooling load and the total heating load, recalculating the total heating load and the total cooling load of the indoor units when an operation temperature of the indoor units is changed and further operating the indoor units according to a changed operation pattern of the outdoor unit associated with recalculating of the total heating load and the total cooling load of the indoor units. Additionally, according to a feature of the present invention, the recalculated total cooling load is calculated by adding the total cooling load of the indoor units before the change of the operating temperature and an additional cooling load required following the change of the operation temperature and the recalculated total heating load is calculated by adding the total heating load of the indoor units prior to the change of the operation temperature and an additional heating load required following

the change of the operation temperature. It is respectfully submitted that the combination of features recited in Applicants claims is not taught, disclosed nor rendered obvious by the references cited by the Examiner, whether considered individually or whether considered in any proper combination.

OHKOSHI et al. relates to a multi-system air conditioning device wherein a total cooling capacity requested from at least one of a plurality of indoor units is compared with a total heating capability requested from at least one of a plurality of indoor units to set a cooling or heating operation mode. Nevertheless, OHKOSHI et al. does not disclose the combination of features recited in at least Applicants claim 1.

Similarly, NAKAYAMA et al. discloses a method of operating an air conditioner. In particular, the method disclosed by NAKAYAMA et al. relates to the provision of an outdoor heat exchanger and a plurality of indoor heat exchangers, condensing a portion of the compressed refrigerant in the outdoor heat exchanger and then expanding the compressed refrigerant.

Nevertheless, no proper combination of OHKOSHI et al. and NAKAYAMA et al. discloses the combination of features recited in Applicants invention which include, inter alia, recalculating the total heating load and the total cooling load of the indoor units when an operation temperature of the indoor units is changed wherein the recalculated total cooling load is calculated by adding the total cooling loads of the indoor units before the change of the operation temperature and an additional cooling load required following the change of the operation temperature and wherein the recalculated total heating load is calculated by adding the total heating load of the indoor units before the

change of the operation temperature and an additional heating load required following the change of the operation temperature.

At least for these reasons, it is respectfully submitted that the combination of references relied upon by the Examiner is inadequate and insufficient to render unpatentable claim 1 and certainly inadequate and insufficient to render unpatentable any of the other claims in the present application.

Applicants note with appreciation the Examiner's indication of allowable subject matter in claim 17. In this regard, Applicants have incorporated the substantive limitations of claim 17 into claim 1. In so doing, Applicants have not incorporated all the limitations of the various intervening claims into claim 1. However, Applicants respectfully submit that the combination of features recited in claim 1 is clearly patentable over the references cited by the Examiner, at least for the reasons set forth above as well as for the reasons set forth by the Examiner in his indication of allowable subject matter.

In this regard, Applicants note the Examiner's statement of reasons for indication of allowable subject matter. While Applicants do not disagree with any of the features enumerated by the Examiner, Applicants respectfully submit that each of the claims in the present application recites a particular combination of features and that the patentability of each of such claim is thus based upon the totality of the features recited therein. Thus, the reasons for indication of allowable subject matter should not be limited to those particular features cited by the Examiner.

Accordingly, in view of the herein contained amendments and remarks, Applicants respectfully request reconsideration and withdrawal of each of the

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outstanding objections and rejections set forth in the above-mentioned Official Action together with an indication of the allowability of all the claims pending in the present application, in due course. Such action is respectfully requested and is thus believed to be appropriate and proper.

SUMMARY AND CONCLUSION

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so. Upon entry of the present amendment, various of the claims will have been amended and several claims will have been canceled.

Applicants will have discussed and overcome each of the Examiner's objections to the claim language as well as the Examiner's rejection of the claims based on being directed to a non-statutory subject matter.

Applicants will have further discussed the disclosure of the references cited by the Examiner and pointed out the substantial and significant shortcomings thereof with respect to the features recited in Applicants invention. Applicants will have further discussed the explicit recitations of the claims in the present application and have shown how these recitations are not taught, disclosed nor rendered obvious by the combination of references cited by the Examiner. Accordingly, Applicants will have provided a clear evidentiary basis supporting the patentability of all the claims in the present application and respectfully request an indication to such effect in due course.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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December 1, 2004
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